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of the law of banks and banking, with statements of general principles in black letter type, it should prove useful to the student.

*I. M. E.*

*Power of Federal Judiciary Over Legislation.* By J. Hampden Dougherty. G. P. Putnam's Sons. The Knickerbocker Press. New York. pp. 125.

The modern assailants of judicial power will find little comfort in this volume. It consists mainly in a clear and able presentation of convincing evidence that the power of the courts to override laws repugnant to the spirit of the Constitution was directly contemplated by the framers of that instrument.

It is apparent that the author has made a careful study and comparison of the debates in the Federal Convention of 1787 and in the State Ratifying Conventions that followed. He does not rest his case here, but proceeds with a discussion of other evidence in support of his position.

While it is a rule of Constitutional construction that the intent of the framers must be determined solely from the instrument itself, the contrary course has recently been taken by the advocates of the judicial recall fallacy. Their enthusiasm does not allow them to regard historical data with much patience, and it is surely in the interests of public enlightenment that this impartial study of a vital question is presented in popular form.

A particularly interesting part of this essay is that in which the author exposes the erroneous conclusions which have been drawn from the fact that the Constitutional Convention voted down a proposal to create a Council of Revision, granting the members a veto power co-extensive with that of the President. It is shown quite clearly that it was the form, and not the principle, which caused opposition and the defeat of the idea suggested. The statements made on the floor of the convention by those hostile to any form of appeal from legislative enactments are quoted effectively to indicate that a clear realization of the theory of a judicial veto was in the minds of those present, whether favorable or opposed to the principle.

It is to be hoped that this volume will find a large audience and thereby perform a great public service in tending to limit the effect of many ill-considered statements bearing upon the power given to the judiciary by the Constitution of the United States.

*P. R. B.*

*Comparative Legal Philosophy Applied to Legal Institutions.* By Luigi Miraglia, Professor of the Philosophy of Law in the University of Naples. Translated from the Italian by John Lisle, of the Philadelphia Bar. With an introduction by Albert Kocourek, Lecturer on Jurisprudence in Northwestern University. *Modern Legal Philosophy Series: III.* Boston. The Boston Book Company. 1912. pp. xl, 793.

Philosophy of Law, the highest and yet the most fundamental of legal studies, has heretofore been almost wholly neglected by American lawyers. This fact, and its concomitant result, the "experimentalism" found in our law, are seriously to be regretted. One reason for their existence has been the lack in the English language of writers and books on legal philosophy. To provide a remedy, the Association of American Law Schools in 1910 appointed a committee "to arrange for the translation and publication of a series of continental masterworks on jurisprudence and philosophy of law". This series, as proposed, will contain thirteen volumes. We have before us No. III.

The present volume is really the third and enlarged edition of Professor Miraglia's work, "The Fundamental Principles of the Various Systems of Legal Philosophy, and Hegel's Ethico-Juridical Doctrines", with its title simplified. The book commences with a brief survey of the development of philosophy, presenting the basic principles of the leading philosophies. The author then launches into the general part of his subject. After explaining the meaning of Philosophy of Law and its position in the realm of knowledge, he discusses with much detail and discrimination the proper conception of law, at the same time sketching "with a free hand the organism of legal institutions according to the principles of reason". In the second half of the book in a similarly careful manner each of the various institutions of the private law of modern society are separately treated. The author's method of disquisition is thorough and penetrating. The constant refer-